

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
Caption in Compliance with D.N.J. LBR 9004-2(c) Jeffrey E. Jenkins, Esquire Jenkins & Clayman 412 White Horse Pike Audubon, NJ 08106 (856) 546-9696 Attorney for Debtor	
In Re: Andrea Smith debtor	

Case No.: 15-29631

Judge: KCF

Chapter: 13

- CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION TO**
☒ **CREDITOR'S MOTION or CERTIFICATION OF DEFAULT**
☐ **TRUSTEE'S MOTION or CERTIFICATION OF DEFAULT**

The debtor in the above-captioned Chapter 13 proceeding hereby objects to the following (**choose one**):

1. ☐ Motion for Relief from the Automatic Stay filed by
_____, creditor.

A hearing has been scheduled for _____

OR

- ☐ Motion to Dismiss filed by the Standing Chapter 13 Trustee, _____.

A hearing has been scheduled for _____, at ____.

- ☒ Certification of Default filed by Toyota Motor Credit Corporation,
creditor.

I am requesting a hearing be scheduled in this matter.

OR

- ☐ Certification of Default filed by Standing Chapter 13 Trustee.

2. I am objecting to the above for the following reasons (**choose one**):

☐ Payments have been made in the amount of \$_____, but have not been accounted for. Documentation in support of attached hereto.

☐ Payments have not been made for the following reasons and debtor proposes repayment as follows (**explain your answer**):

☒ Other (**explain your answer**): In my Chapter 13 case, my car company, Toyota Motor Credit, has filed a certification of default, stating that I am behind with my payments. I believe I have made my payments every single month, since we had an issue with the vehicle payments a little more than a year ago. I was supposed to make an extra payment of \$171.45 each month for six months. I did that for one month, and I kept talking to Toyota on a regular basis. They told me my payments were fine, so I thought everything was okay. They did not say I was behind with a regular payment, or an extra payment, or anything. Therefore, I ask that the certification of default order not be signed, and that a hearing be held. Thank you.

3. This Certification is being made in an effort to resolve the issues raised by the creditor in this motion.

4. I certify under penalty of perjury that the foregoing is true and correct.

Date: 9.27.17

/s/Andrea Smith

Andrea Smith , debtor

NOTE:

1. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor at least seven (7) days before the return date pursuant to D.N.J. LBR 9013-1(d), if filed in opposition to a *Motion for Relief from the Automatic Stay or Trustee's Motion to Dismiss*.
2. This form must be filed with the court and served upon the Standing Chapter 13 Trustee and creditor within ten (10) days of the filing of a *Creditor's Certification of Default* (under an *Order Resolving Motion to Vacate Stay and/or Dismiss with Conditions*) or a *Trustee's Certification of Default*.

If this form is not filed the Motion or Certification of Default will be deemed uncontested